

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF )  
MOBIL OIL CORPORATION, )  
Appellant, )  
vs. )  
STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )  
Respondent. )

PCHB No. 339

ORDER ON CONDITION 10

This matter, being the legal propriety of Condition 10 of National Pollutant Discharge Elimination System Permit No. T-3959 (as modified by Stipulation and Agreed Order of July 9, 1973), came before the Pollution Control Hearings Board (Walt Woodward, presiding officer) on oral argument in the Board's Lacey, Washington office at 8:30 a.m., September 21, 1973.

From argument heard and reviewed by transcript and from consideration of briefs and the Exception of appellant, the Pollution Control Hearings Board makes these:

CONCLUSIONS

I.

Permit No. T-3959 is a state permit which satisfies the terms of a national system for the regulation of waste discharges.

II.

Condition 10 of Permit No. T-3959 goes beyond the requirements of the national system.

III.

There is ample legal authority for Condition 10 in RCW 90.48.010 as originally enacted by the Legislature in 1945 wherein the Legislature required "the use of all known available and reasonable methods by industries . . . to prevent and control the pollution of the waters of the state of Washington."

IV.

Further legal authority for Condition 10 is found in RCW 90.48.010 as amended by the 1973 Regular Session of the Legislature, which added these words:

"Consistent with this policy, the state of Washington will exercise its powers, as fully and as effectively as possible, to retain and secure high quality for all waters of the state. The state of Washington in recognition of the federal government's interest in the quality of the navigable waters of the United States, of which certain portions thereof are within the jurisdictional limits of this state, proclaims a public policy of working cooperatively with the federal government in a joint effort to extinguish the sources of water quality degradation, while at the same time preserving and vigorously exercising state powers to insure that present and future standards of water quality within the state shall be determined by the citizenry, through and by the efforts of state government, of the state of Washington."

From these Conclusions, the Pollution Control Hearings Board

1 comes to this:

2 ORDER

3 Appellant's challenge to the legal propriety of Condition 10 of  
4 National Pollutant Discharge Elimination System Permit No. T-3959 is  
5 denied. Condition 10 is sustained as a part of that permit but its  
6 enforcement shall be and is stayed for a period of 45 days from the  
7 date of this Order.

8 DONE at Lacey, Washington this 4th day of December, 1973.

9 POLLUTION CONTROL HEARINGS BOARD

10 Walt Woodward  
11 WALT WOODWARD, Chairman

12 W. A. Gissberg  
13 W. A. GISSBERG, Member  
14

15 CERTIFICATION OF MAILING

16 I, Dolores Osland, certify that I mailed copies of the foregoing  
17 document on December 7, 1973 to each of the following parties:

18 Mr. Wick Dufford  
19 Assistant Attorney General  
20 Department of Ecology  
21 Olympia, Washington 98504

22 Messrs. Robert W. Graham and  
23 Charles R. Blumenfeld  
24 Bogle, Gates, Dobrin,  
25 Wakefield & Long  
26 14th Floor Norton Building  
27 Seattle, Washington 98104

Mobil Oil Corporation  
P. O. Box 8  
Ferndale, Washington 98632

1  
2 Mr. Bruce Johnson  
3 Department of Ecology  
4 St. Martin's College  
5 Olympia, Washington 98504

6 Mr. Thomas A. Waite  
7 Environmental Protection Agency  
8 Region X  
9 1200 - 6th Avenue  
10 Seattle, Washington 98101

11 the foregoing being the last known post office addresses of the above-  
12 named parties. I further certify that proper postage had been affixed  
13 to the envelopes deposited in the U. S. mail.

14  
15 *Dolores Osland*  
16 DOLORIES OSLAND, Clerk  
17 POLLUTION CONTROL HEARINGS BOARD  
18  
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Pollution Control Hearings Board

BEFORE THE POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

*Dolores Island*  
*Clerk*

In the Matter of	)	
	)	
MOBIL OIL CORPORATION,	)	
	)	
Appellant,	)	PCHB 339
	)	
vs.	)	EXCEPTION TO PROPOSED
	)	ORDER ON CONDITION 10
STATE OF WASHINGTON,	)	
DEPARTMENT OF ECOLOGY,	)	
	)	
Respondent.	)	

On October 9, 1973, the Pollution Control Hearings Board entered a proposed order in the above matter, denying Appellant's challenge to the legal propriety of Condition 10 in NPDES Permit T-3959.

Pursuant to WAC 371-08-205, Appellant files this exception to the proposed order, as follows:

The proposed order of the Board does not include a stay of enforcement of Condition 10, pending an appeal of the Board's action.

At the hearing on September 21, 1973, it was Appellant's understanding that a proposed order upholding Condition 10 would include such a stay of enforcement. The record will show that Respondent did not object to such a stay.

We respectfully request that the Board's final order include this stay.

BOGLE, GATES, DOBRIN, WAKEFIELD & LONG

*Robert W. Graham*  
Robert W. Graham

*Charles R. Blumenfeld*  
Charles R. Blumenfeld

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From these Conclusions, the Pollution Control Hearings Board comes to this:

ORDER

Appellant's challenge to the legal propriety of Condition 10 of National Pollutant Discharge Elimination System Permit No. T-3959 is denied. Condition 10 is sustained as a part of that permit.

DONE at Lacey, Washington this 9 day of Oct, 1973.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

W. A. Gissberg  
W. A. GISSBERG, Member

(Mary Ellen McCaffree, not having participated in the adjudication of this matter, does not wish to participate in this Order).